

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL)	
INDUSTRY AVERAGE WHOLESALE)	
PRICE LITIGATION)	MDL No. 1456
_____)	Master Case No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	
)	Subcategory Case No. 06-11337-PBS
<i>United States of America ex rel. Ven-a-</i>)	
<i>Care of the Florida Keys, Inc., et al. v.</i>)	
<i>Dey, Inc., et al., Civil Action No. 05-</i>)	
11084-PBS)	

**MOTION FOR LEAVE TO FILE REPLY
IN SUPPORT OF MOTION TO BIFURCATE**

The United States moves for leave to file the accompanying Reply in support of plaintiffs' Motion to Bifurcate the Medicare and Medicaid Claims for trial. In support of this motion, plaintiffs state that the arguments presented by Dey in its Opposition warrant a response, and plaintiffs believe the further argument in the attached brief memorandum will assist the Court in resolution of the issues presented. The proposed Reply memorandum is attached as Exhibit 1.

WHEREFORE, plaintiffs ask that the Court allow this motion and grant leave to file the Reply.

Respectfully submitted,

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CERTIFICATION

The undersigned certifies that counsel for the United States and for Dey have conferred pursuant to LR 7.1(A)(2), in a good faith attempt to resolve or narrow the issue.

/s/ Barbara Healy Smith
Barbara Healy Smith

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

April 30, 2010

/s/ George B. Henderson, II